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EXAMINER

BASHORE, WILLIAM L

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2176

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 28

Application Number: 09/161,073
Filing Date: September 25, 1998
Appellant(s): CHIN ET AL.

MAILED

MAY 23 2003

Technology Center 2100

Raymond E. Roberts
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 20, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

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(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

It is respectfully noted that pending independent claims presented in Section X (pages 24-25 of the appeal brief), along with pending dependent claims presented in Section IX (pages 20-23 of the appeal brief), are to be considered pursuant to decision rendered at the SPRE level on April 10, 2003.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 3-16, 18-22, 4, 7-8, 9-10, 11, 16, 18-20, 12-13, 14-15 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

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(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct. It is to be noted (as explained above) that pending independent claims presented in Section X (pages 24-25 of the appeal brief), along with pending dependent claims presented in Section IX (pages 20-23 of the appeal brief), are to be considered.

(9) Prior Art of Record

6,208,956	MOTOYAMA	03-2001
5,944,790	LEVY	08-1999
5,644,774	FUKUMOCHI	07-1997

Berg, Cliff, "How do I Write an International Application?", Dr. Dobb's Journal (July 1997) online <<http://www.ddj.com/articles/1997/9707/97071/97071.htm?topic=java>>, pp. 1-5 (downloaded May 17, 2001).

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

Claims 3-16, 18-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In regard to independent claims 3, 11, 21, the word “unambiguously” (as amended) in each of said claims is vague and indefinite. This is a subjective word, and it is unclear how this is to be interpreted within the context of Applicant’s claim limitations.

In regard to dependent claims 4-10, 12-16, 18-22, claims 4-10, 12-16, 18-22 are rejected for fully incorporating the deficiencies of their respective base claims.

Examiner’s Note

The following set of rejections are based upon a possible interpretation of unambiguously replacing variable, as variables that are actually replaced.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5-6, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama, U.S. Patent No. 6,208,956 issued March 2001.

In regard to Independent claim 3, Motoyama teaches a HTML document page translated using a resource dictionary database (file) containing translated words and phrases for replacing variables (Motoyama column 4 lines 14-23, column 5 lines 41-46, column 6 lines 41-55; compare with claim 3 “a plurality of resource file containing data for replacing said replacement variable,”).

Motoyama teaches dictionary resource files indicative of various languages for web page variable replacement (Motoyama column 6 lines 20-24; compare with claim 3 “*said replacement variable being selectively replaced by data from a selected one of said resource files, each of the plurality....selected one of said resource files.*”, and “*predefined passage of text*”).

Motoyama does not specifically teach said page as a template. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Motoyama, because Motoyama’s teaching of HTML, with its known hierarchical tag structure, clearly suggests a template structure, providing Motoyama with the organizational advantage a hierarchical page provides (Motoyama column 4 lines 14-23; compare with claim 3 “*a markup-language encoded template*”).

In regard to dependent claim 5, Motoyama does not specifically teach a resource file as a “HTML” resource bundle. However, since Applicant defines said bundle as similar to a Java resource bundle, and Java resource bundles are a known Java class, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Motoyama, because Motoyama’s related dictionary data files (indicative of various languages) used for the translation of various portions of a HTML page suggests a resource bundle environment, providing the advantage of files categorized by language (Motoyama column 6 lines 20-30; compare with claim 5).

In regard to dependent claim 6, claim 6 is rejected using the Examiner’s argument and rationale as set forth in the rejection of claim 5, above.

In regard to independent claim 21, Motoyama teaches a HTML document translated using a resource dictionary database (file) containing translated words and phrases for replacing variables (Motoyama column 4 lines 14-23, column 5 lines 41-46, column 6 lines 41-55; compare with claim 21 “*a markup-language encoded....having a replacement variable within*”, and “*predefined passage of text*”).

Motoyama does not specifically teach said HTML page as a template. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Motoyama, because Motoyama's teaching of HTML, with its known hierarchical tag structure, clearly suggests a template structure, providing Motoyama with the organizational advantage a hierarchical page provides (Motoyama column 4 lines 14-23; compare with claim 21 "*a markup-language encoded template*").

Motoyama teaches a HTML document page translated using a resource dictionary database (file) containing translated words and phrases for replacing variables (Motoyama column 4 lines 14-23, column 5 lines 41-46, column 6 lines 41-55; compare with claim 21 "*a plurality of resource file containing data for replacing said replacement variable,*").

Motoyama teaches dictionary resource files indicative of various languages for web page variable replacement (Motoyama column 6 lines 20-24; compare with claim 21 "*said replacement variable being selectively replaced by data from a selected one of said resource files, each of the plurality....selected one of said resource files.*").

In regard to dependent claim 22, Motoyama does not specifically teach a resource file as a HTML "resource bundle". However, since Applicant defines said bundle as similar to a Java resource bundle, and Java resource bundles are a known Java class, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Motoyama, because Motoyama's related dictionary data files (indicative of various languages) used for the translation of various portions of a HTML page suggests a resource bundle environment, providing the advantage of files categorized by language (Motoyama column 6 lines 20-30; compare with claim 22).

Claims 11, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama, U.S. Patent No. 6,208,956 issued March 2001, in view of Fukumochi et al. (hereinafter Fukumochi), U.S. Patent No. 5,644,774 issued July 1997.

In regard to independent claim 11, Motoyama teaches a HTML document translated using resource dictionary databases (files) containing various translated words and phrases for replacing variables (Motoyama column 4 lines 14-23, column 5 lines 41-46, column 6 lines 41-55; compare with claim 11 "*providing a plurality of data files....corresponding to said variable*", and "*predefined passage of text*").

- Motoyama does not specifically teach resource files including idiomatically-correct predefined text passages. However, Fukumochi teaches a translation system using a dictionary containing idioms of a language as applied to translation from one language to another (Fukumochi Abstract, column 4 lines 64-67 to column 5 lines 1-11; compare with claim 11 "*an idiomatically-correct*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the dictionary idioms of Fukumochi to the resource files of Motoyama, providing Motoyama the advantage of idioms within its resource files, for accurately translating specialized phrases from one language to another.

- Motoyama does not specifically teach said HTML page as a template at a server. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Motoyama, because the teaching of HTML, with its known hierarchical structure, clearly suggests a template structure, to which HTML pages must be uploaded and stored on a server for publication, providing Motoyama with the organizational advantage a hierarchical page provides (Motoyama column 4 lines 14-23; compare with claim 11 "*providing an HTML template to a server, said HTML template including at least one variable*").

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- Motoyama teaches selection of a dictionary file used to construct a page using translated words from said dictionary file (Motoyama column 6 lines 20-25; compare with claim 11 "*selecting one of said plurality of data files*", and "*constructing an HTML encoded....replace said variable*").

In regard to dependent claim 16, claim 16 is rejected using the Examiner's argument and rationale as set forth in the rejection of claim 11, above.

In regard to dependent claim 18, Motoyama teaches dictionary translation database files, which teaches key/value combinations for translation (Motoyama column 6 lines 20-25; compare with claim 18).

In regard to dependent claims 19, 20, the use of curly brackets, commas, and pound signs within various languages is known in the web publishing art.

Claims 4, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama, U.S. Patent No. 6,208,956 issued March 2001, in view of Levy, U.S. Patent No. 5,944,790 issued August 1999.

In regard to dependent claim 4, Motoyama does not specifically teach a language code. However, Levy teaches a country code, which is indicative of a particular language (Levy Abstract; compare with claim 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy's taught advantage of country codes, providing Motoyama with a way to process a particular language.

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In regard to dependent claim 7, Motoyama does not specifically teach server side processing. However, Levy teaches a server accepting a web request along with a country code for processing of said web page (Levy column 2 lines 32-46; compare with claim 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy's taught advantage of server side processing, providing Motoyama with a way to process a particular language freeing up client resources.

In regard to dependent claim 8, claim 8 is rejected using the Examiner's argument and rationale as set forth in the rejection of claim 7, above.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama, U.S. Patent No. 6,208,956 issued March 2001, in view of Fukumochi, U.S. Patent No. 5,644,774 issued July 1997, and further in view of Levy, U.S. Patent No. 5,944,790 issued August 1999.

In regard to dependent claim 14, Motoyama does not specifically teach a language code. However, Levy teaches a country code, which is indicative of a particular language (Levy Abstract; compare with claim 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy's taught advantage of country codes, providing Motoyama with a way to process a particular language.

Motoyama does not specifically teach server side processing. However, Levy teaches a server accepting a web request along with a country code for processing of said web page (Levy column 2 lines 32-46; compare with claim 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Levy to Motoyama, because of Levy's taught advantage of server side processing, providing Motoyama with a way to process a particular language freeing up client resources.

In regard to dependent claim 15, claim 15 is rejected using the Examiner's argument and rationale as set forth in the rejection of claim 14, above.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama, U.S. Patent No. 6,208,956 issued March 2001, in view of Cliff Berg (hereinafter Berg), How do I Write an International Application?, Dr. Dobb's Journal, July 1997, downloaded web site <url: <http://www.ddj.com/articles/1997/9707/97071/97071.htm?topic=java>>, pp.1-5, including text equivalent pp. 6-9, (downloaded on 5/17/2001).

In regard to dependent claim 9, the use of Java code within HTML is known in the web publishing art.

Motoyama does not specifically teach a JAR file containing a Java ResourceBundle. However, Berg teaches Java in association with a Hot Java browser, incorporating a JAR file and a Java ResourceBundle to be eventually run as an applet (Berg p.6 at numbers 5, 6, also p.7 at number 8; compare with claim 9). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berg to Motoyama, because of Berg's taught advantage of JAR files and resource bundles, providing Motoyama with a way to utilize the advantages of said files for its dictionaries.

In regard to dependent claim 10, claim 10 reflects substantially similar subject matter as claimed in claims 3 and 9, and is rejected along the same rationale.

In regard to dependent claim 12, 13, claims 12, 13 reflect substantially similar subject matter as claimed in claims 9 and 10, and are rejected along the same rationale.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama, U.S. Patent No. 6,208,956 issued March 2001, in view of Fukumochi, U.S. Patent No. 5,644,774 issued July 1997, and further in view of Cliff Berg (hereinafter Berg), How do I Write an International Application?, Dr. Dobb's Journal, July 1997, downloaded web site <url: <http://www.ddj.com/articles/1997/9707/97071/97071.htm?topic=java>>, pp.1-5, including text equivalent pp. 6-9, (downloaded on 5/17/2001).

In regard to dependent claim 12, the use of Java code within HTML is known in the web publishing art.

Motoyama does not specifically teach a JAR file containing a Java ResourceBundle. However, Berg teaches Java in association with a Hot Java browser, incorporating a JAR file and a Java ResourceBundle to be eventually run as an applet (Berg p.6 at numbers 5, 6, also p.7 at number 8; compare with claim 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berg to Motoyama, because of Berg's taught advantage of JAR files and resource bundles, providing Motoyama with a way to utilize the advantages of said files for its dictionaries.

In regard to dependent claim 13, claim 10 reflects substantially similar subject matter as claimed in claims 11 and 12, and is rejected along the same rationale.

(11) *Response to Argument*

Beginning on page 9 of the appeal brief (hereinafter the Brief), Appellant presents the following issues, which are accordingly addressed below.

- a. *"The Claims Are Not Vague And Indefinite: The Word 'Unambiguously' Is Not Ambiguous"*
(page 9, argument A, of the Brief).

The examiner respectfully disagrees. Since a decision regarding Appellant's petition has been decided on April 10, 2003 at the SPRE level, the examiner will address Appellant's argument regarding the examiner's rejection under 35 U.S.C. 112 second paragraph. Appellant argues that the word "*unambiguous*" is not ambiguous. It is respectfully noted that the word "*unambiguous*" in the context of the claimed phrase "... *said replacement variable will be unambiguously replaced with...*" is indefinite, because said word is subjective. Does the claimed phrase mean said variable will be completely replaced, partially replaced, clearly replaced, etc.? All three interpretations can be judged as unambiguous, depending upon situation and context, therefore it is unclear how this is to be interpreted within the context of Appellant's claimed limitations. Appellant's BOX AF proposed amendment amending said claim limitation to read as "*always*" reflects a change in scope, since "*always*" means said variable will always be replaced, regardless, therefore, said amendment would require further search and/or consideration.

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b. *“The Examiner has acknowledged that Motoyama does not teach a template, yet he feels its use of HTML with a hierarchical tag structure ‘suggests’ a ‘template structure’. One reason this rationale is flawed is because any connection between templates and HTML is merely coincidental. Many templates have nothing to do with HTML, and little use of HTML has anything to do with templates in the present context. This is even more so for a hierarchical tag structure, since few templates use hierarchical structures. Upon seeing HTML or a hierarchical tag structure used, a person of ordinary skill in the art would have no reason to think of a template such that of the claimed invention.”* (page 11 at top, of the Brief).

The examiner respectfully disagrees. Motoyama teaches translation of markup language encoded documents (SGML) from one human language to another (i.e. English to French, etc.) (see Motoyama Abstract). In addition, it is known to the skilled artisan that markup based languages (i.e. SGML/HTML) comprise hierarchically based tag pairs, said pairs commonly used in the presentation and placement of text/images (see also Motoyama Figure 2). The skilled artisan is also aware of templates, and Motoyama teaches that HTML can be used to indicate different structural sections which are to use different translation resources (see Motoyama column 4 lines 13-21). Motoyama teaches replacement of blocks of text resulting in a translated SGML document essentially preserving the basic block layout structure and presentation areas defined by said tag pairs (the translated text is ‘poured’ into each block, replacing the original text) (see Motoyama Figure 3, also column 5 lines 53-60). It respectfully submitted that these teachings (especially within the context of Motoyama Figure 3), suggests to the skilled artisan the use of the original document as a template aiding in the final translation of said document, since Motoyama teaches essential preservation of the original style/layout of the document. It is respectfully noted that, although the documents translated in Motoyama Figure 3 are reflective upon each specific translation, Appellant does not specifically claim any persistent global template. In other words, Motoyama

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essentially preserves the style and placement of each original page after each translation. Additionally, it is respectfully noted that Appellant does not specify a type of template (other than one that is markup-based) (i.e. layout, stylesheet, level of abstraction, etc.).

b. *“Motoyama particularly fails to teach or reasonable suggest a template having a replacement variable”* (page 11 at middle, of the Brief).

The examiner respectfully disagrees. Motoyama cites *“It is not critical that every tag or data be translated by the invention.”* (see Motoyama column 5 lines 40-42). In other words, although Motoyama does not teach that every tag or data is translated, said teaching provides a reasonable suggestion to the skilled artisan that at least one tag or data is translated (replaced). The tag or data (variables) within the SGML document are translated. It is respectfully noted that Appellant is claiming that variables are “unambiguously” replaced, not “always” replaced. The examiner bases the instant rejections upon a possible interpretation of unambiguously replacing variables, as variables that are actually replaced. It is respectfully submitted that this teaching teaches such replacement of variables in the form of translation of SGML tags or data..

c. *“Similarly, Motoyama fails to teach or reasonable suggest a plurality of resource files containing data for selective variable replacement”* (page 11, at middle, of the Brief, also page 15, at middle, of the Brief).

The examiner respectfully disagrees. The examiner cites Motoyama’s disclosure of the use of dictionary and rule database files for teaching the claimed limitation of *“said replacement variable being selectively replaced by data from a selected one of said resource files, each of the plurality....selected one*

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of said resource files.”, and *“predefined passage of text”* (representative claim 3). Motoyama uses these files to replace text. In additional support to the instant rejections, Motoyama also teaches grammar and language rules specifically tailored to the present invention, and have different sections or different specific rules for translating different portions of the document (see Motoyama column 7 lines 13-19). Motoyama also teaches training via user correction (see Motoyama column 10 lines 55-65). Motoyama uses specific tailored rules to eventually present idiomatically correct textual definitions (especially after training), to better reflect the grammar, style, spelling, and idiomatic selection of text, influenced by a user’s language and culture.

d. *“Motoyama further fails to teach or reasonable suggest each resource file containing an already idiomatically-correct, predefined passage of text in a different language, such that the replacement variable is replaced with a respective such passage governed by selection of a particular resource file.”* (page 11, at bottom, of the Brief).

The examiner respectfully disagrees. In additional support of the instant rejection, it is respectfully submitted that Motoyama teaches a “trainer” for improving the accuracy of the translated text. Motoyama teaches tags displayed in original and translated languages, to which a user is asked if it is desired to change the translation. A user changing said translation results in updated dictionaries and rule databases for future translations. Additionally Motoyama also teaches translations obtained from previous translations (see Motoyama column 10 lines 55-65). These teachings eventually result in more accurate translations (i.e. idiomatically correct spelling, grammar, etc.), reflective of a particular user, target audience, culture, etc.

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e. *“Interestingly, in rejecting claim 11, discussed below, the office action dated 10/22/2002 states: ‘Motoyama does not specifically teach resource files including idiomatically-correct predefined text passages.’ However, claims 3, 5-6, and 21-22 all include this element/limitation which the Examiner has himself acknowledged is not taught by the sole reference being used to justify the rejection here.”* (page 12 at top, of the Brief, also presented on page 16, at top, of the Brief).

The examiner respectfully disagrees. It is respectfully submitted that claim 11 and claim 3 do not reflect the same scope. Claim 11 adds interaction with a server, and specifically claims HTML, as well as claiming a user interface file (limitations not present in claim 3). In the context of claim 3, Motoyama teaches the claimed limitation as discussed in response to argument ‘d’ above. In the context of claim 11, however, the examiner uses Fukumochi to teach the relevant limitation.

f. *“Firstly, the claimed invention does not include a dictionary, wherein the nature of such is that at least some entries have multiple definitions.”*

“Secondly, the claimed invention does not include any element analogous to Motoyama’s rule databases” (page 12, at bottom, of the Brief)

The examiner respectfully disagrees. It is respectfully submitted that Appellant is reading the Specification into the claims, and is arguing the specification, not the limitations of claimed invention. In particular, the claims recite in pertinent part: *“a plurality of resource files containing data for replacing said replacement variable...”*, and *“... each of the plurality of said resource files containing an idiomatically-correct predefined passage of text”*. The claims do not preclude the examiner from using dictionary files and rule database files (resource files) to teach these limitations. Motoyama ultimately teaches replacing data/variables of one language with data/variables of another language, regardless of the

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number of intermediate steps involved in the process (the instant claims do not preclude extra intermediate steps of training, etc.). Although dictionaries typically contain single or multiple definitions of a word, Motoyama ultimately chooses one definition (assuming Motoyama's dictionaries contain possible multiple definitions per word), and gives the user the option of changing the result if not correct (see Motoyama Figure 9B item 258, also column 10 lines 54-65). Eventually, training of the files in this fashion results in more accurate translations, dependent upon a particular user and/or target audience, culture, etc.

g. *"No Reasonable Expectation Of Success Exists"* (page 13 middle paragraph – argument 3, of the Brief, also on page 17 at bottom, of the Brief).

The examiner respectfully disagrees. It is respectfully submitted that Appellant's assertions of *"market availability"*, *"notoriously difficult translations"*, what the Office appropriately relies upon as being accurate, *"criteria for success"*, *"notoriously resource consuming"*, etc. reflect Appellant's opinions and observations, which are highly subjective, and open to debate. It is respectfully noted that the examiner uses the teachings of the cited references, combined with the knowledge of the skilled artisan to teach the claimed limitations.

h. *"The examiner has never argued that Levy teaches or reasonable suggests those three of the elements/limitations of claim 3."* (page 14 at middle, of the Brief, also page 18 at bottom, to page 19 of the Brief).

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The examiner respectfully disagrees. The examiner uses Levy to teach a language code by the teaching of a country code (this response also applies to argument presented at bottom of page 14, arguments 2, 3, of the Brief).

- i. *"The Claims Are Not Obvious Over Motoyama In View Of Berg"* (page 15, at top, of the Brief).

The examiner respectfully disagrees. The examiner uses Berg to teach JAR files, and applies said teaching to Motoyama.

- j. *"Motoyama And Fukumochi Do Not Teach Or Reasonable Suggest All Of The Claim Limitations"* (page 16, at middle, to page 17, of the Brief, also page 18 of the Brief).

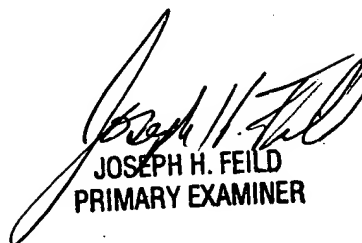
The examiner respectfully disagrees. Motoyama teaches application of other languages, such as HTML (see Motoyama column 4 lines 14-16). Motoyama teaches variables (see Motoyama column 5 lines 40-42). It is respectfully submitted that these issues has been previously addressed above. In addition, it is respectfully submitted that a dictionary file is a form of resource data file.

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For the above reasons, it is believed that the rejections should be sustained.

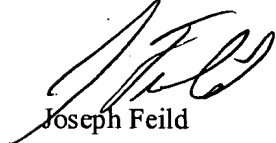
Respectfully submitted,

William L. Bashore
May 18, 2003

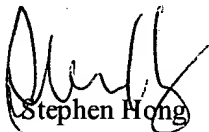


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